

### **REMARKS**

Applicant believes the pending application is in condition for allowance.

Claims 1-6 and 8-40 are now present in this application. Claims 1, 19 and 29 are independent. Claims 19-40 have been withdrawn from consideration by the Examiner.

Reconsideration of this application is respectfully requested.

### **Examiner Interview**

Applicant wishes to thank the Examiner for the courtesies extended to Applicant's representative during the interview which was conducted on January 30, 2009. During the interview, Applicant's representative pointed out that the primary reference to Kim is not available to reject the claims under 35 U.S.C. § 103(a), for reasons that are set forth in the remarks below. The Examiner agreed to consider the remarks in detail once submitted.

### **Priority Under 35 U.S.C. § 119**

The Examiner has not acknowledged Applicant's claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document. **Acknowledgment thereof by the Examiner in the next Office Action is respectfully requested.**

### **Drawings**

Since no objection has been received, Applicant assumes that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

### **Election of Species Requirement**

The Examiner has made the Election of Species Requirement final, and has withdrawn claims 19-40 from further consideration. Applicant notes that the Examiner has stated that Applicant's election is without traverse; however, Applicant's election was with traverse and reasons were set forth in the previous response. **The Examiner has not rebutted Applicant's reasons; therefore, withdrawal of the requirement and an action on all of the claims is**

**requested.**

**Rejections Under 35 U.S.C. § 103**

Claims 1-6, 8, 9, 13, 14 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim (US Patent 6,737,620) in view of Waligorski. Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim and Waligorski in view of Biefeldt et al. Claims 12 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim and Waligorski in view of Sham et al. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Applicants respectfully submit that verified English translations of Korean Priority Documents 10-2003-0017802 and 10-2003-0017805, to which the present application claims priority under 35 USC § 119, were previously submitted with the Amendment filed July 24, 2008. By filing those English translations, and having filed certified copies of the Korean Priority Documents 10-2003-0017802 and 10-2003-0017805, Applicant has perfected his claim to the filing date of the priority application, that being March 21, 2003.

**The Kim Patent**

The Examiner has applied the Kim patent in all of the rejections under 35 USC § 103. The Kim patent has an issue date of May 18, 2004. The Kim patent is based on an application that has a publication date of September 11, 2003. Because these dates of the Kim patent and the Kim publication (not applied by the Examiner) occurred after the effective filing date of the present application, i.e. March 21, 2003, the Kim patent (and publication) is not available as prior art under 35 USC § 102(a) or (b). Instead, the Kim patent is only available as a reference under 35 USC § 102(e) based on its U.S. filing date of March 5, 2003.

However, Applicant respectfully submits that both the Kim patent and the present invention were owned by the same party, i.e. LG Electronics Inc., at the time the claimed invention was made. Under 35 USC § 103(c), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of Section §

102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” Accordingly, because the Kim patent is only available as a reference under subsection (e) of Section § 102, and because both the Kim patent and the present invention were owned by the same party at the time the claimed invention was made, **the Kim patent is excluded from the available prior art usable against the present application under 35 U.S.C. § 103(a).**

Accordingly, reconsideration and withdrawal of the rejections under 35 USC § 103 based on the Kim patent are respectfully requested.

### **Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

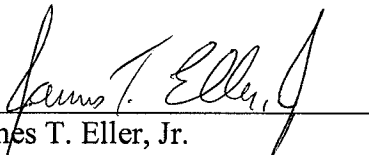
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: January 30, 2009

Respectfully submitted,

By   
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